

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6176 of 1988

For Approval and Signature:

HON'BLE DR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed : YES
to see the judgements?
 2. To be referred to the Reporter or not? : YES
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GUJ STATE ROAD TRANSPORT CORPN

Versus

GUNVANTBHAI RATILAL PANCHAL

Appearance:

1. Special Civil Application No. 6176 of 1988
MR PRANAV G DESAI for Petitioner No. 1
MR MUKESH H RATHOD for Respondent No. 1

CORAM : HON'BLE DR.JUSTICE J.N.BHATT

Date of decision: 17/08/2004

ORAL JUDGEMENT

This petition, under Articles 226 and 227 of the
Constitution, is filed against the award of the Labour

Court, Surat, dated 18.2.1988 in Reference (LCS) No.14/84 whereby, the Labour Court directed the petitioner Gujarat State Road Transport Corporation (GSRTC) to place the respondent workman in the waiting list of the employees, quashing the order of deletion of his name from the wait list of the badli workers, without any monetary gain and without backwages but without disturbing his seniority in wait list of badli workers.

It is apparent from the record that wait list is prepared of badli workers including for the post of conductors as time and again in absence of regular workers or employees, the Corporation requires services of badli workers, in view of the very wide network of the petitioner Corporation. Badli workers, therefore, cannot be said to be permanent workers and, therefore, the reinstatement of respondent workman, as directed by the Labour Court in the impugned award, at the best, could be said to be to continue the name of respondent in the said wait list of badli workers. The treatment and the rights available to the badli workers can only be granted, as available to other badli workers in the Corporation. When a badli worker, upon stop gap arrangement of his working with the Corporation, in absence of regular employee commits some misconduct, he cannot expect better and higher or even equal rights with that of regular employees.

The respondent workman was chargesheeted and inquiry was conducted by the petitioner Corporation. The charge against him was that he had not issued tickets to the passengers travelling from Surat to Dumas. In departmental inquiry, he was found guilty for his delinquency and, therefore, disciplinary authority terminated or discharged him from the said work and deleted his name from the wait list of badli workers.

The directions in the impugned award is for continuance of the name of respondent workman in the wait list of badli workers, which came to be deleted by the petitioner Corporation, finding him guilty in a domestic Tribunal. Obviously, therefore, his name could continue and he can get only benefit, which a badli worker is given. There is no question of reinstatement in the said post, as there was no permanent or regular post, on which he was working, at the relevant time, as he was merely doing ad hoc work of a conductor as badli conductor in absence of regular conductor. This clarification and keeping in mind the limited scope under Articles 226 and 227, the petition deserves to be rejected. Accordingly, the petition is rejected. Rule is discharged without any

order as to costs.

[J.N.BHATT, J]

SNS